

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

EDWARD L. HILTON,

Plaintiff,

v.

CASE NO: 16-CV-11347-DT

ROBERT PICKELL, ET AL.,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

This matter was referred to United States Elizabeth Stafford pursuant to 28 U.S.C. §636(b)(1)(B) and Local Rule 72.1. In her report filed on October 31, 2016, the magistrate judge recommended that this court grant Defendant Dennis Lloyd's Motion to Dismiss filed on July 12, 2016. A notice of joinder/concurrence was filed by Defendant Pickell on July 19, 2016. The magistrate judge issues an order to show cause due to Plaintiff's failure to respond to the motion to dismiss. No response was filed, and no objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C), thus further appeal rights are waived.¹

Having reviewed the file and the report, the court concludes that the findings and conclusions of the magistrate judge are correct and ADOPTS the same for purposes of this Order.

Accordingly, IT IS ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, Defendant Dennis Lloyd's Motion to Dismiss [Dkt # 16] is GRANTED and the complaint is DISMISSED WITHOUT PREJUDICE.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: January 11, 2017

The failure to object to the magistrate judge's report releases the court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, January 11, 2017, by electronic and/or ordinary mail.

S/Shawna C. Burns
Case Manager Generalist
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